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IN THE U.S. PATENT AND TRADEMARK OFFICE

Inventor Christian BUMM et al
Patent App. 10/530,444
Filed 1 April 2005 Conf. No. 5463
For SPRAYABLE GRANULAR COATING AGENT AND METHOD OF
MAKING SAME
Art Unit 4172 Examiner Leong, N
Hon. Commissioner of Patents
Box 1450
Alexandria, VA 22313-1450

THIRD AMENDMENT

This is in response to the Office Action mailed
03 September 2008.

Applicant by his duly authorized attorney herewith
restricts the case to the coating agent of claims 1-20 and elects
the materials of claims 7 and 8, with traverse.

It is respectfully noted that this is the US phase of a
PCT application that is covered by 37 CFR 1.475 that is
substantially broader than the rules applicable to a non-PCT case,
which stricter rules are apparently being applied here.

More specifically 37 CFR 1.475(b)(3) says unity of invention exists for "A product, a process specially adapted for the manufacture of the said [sic] product." This is the exact case here, so that this case falls perfectly within the purview of this rule and unity of invention exists. The examiner is respectfully requested to cite the rule that overrides this rule, whose language is specifically met by claim 1 reciting "A sprayable coating agent in the form of granules" and claim 21 reciting "A method for making the granules according to claim 1." The examiner cannot ignore the express words of the Code of Federal Regulations.

Withdrawal of the restriction requirement is therefore in order.

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